RAJYA SABHA

Tuesday, the the March, 2000/24 *Phalguna,* 1921 *(Saka)*

The House met at eleven of the clock, Mr. Chairman *in the Chair.*

ORAL ANSWERS TO QUESTIONS

श्री संघ प्रिय गौतम : सभापति महोदय, मैं एक बात कहना चाहता हूं।

श्री सभापति : क्वेश्चन ऑवर में कोई बात नहीं हो। क्वेश्न नं. 261.

श्री संघ प्रिय गौतम : महोदय, कर्नाटक में सात दलितों को जिंदा जला दिया हैं और किसी भी कांग्रेसी नेता ने इसकी भर्त्सना नहीं की हैं। मैं इसकी घोर निन्दा करता हूं और सरकार का ध्यान इस ओर आकर्षित करना चाहता हूं।

श्री सभापति : प्रश्न संख्या 261

Settlement with the Port and Dock Workers' Federations

*261. SHRI JIBON ROY:†
SHRI VAYALAR RAVI:

Will the Minister of SURFACE TRANSPORT be pleased to state:

(a) whether he assured the leaders of the Port & Dock Workers' Federations that the question of signing a five year settlement would be resolved by him by 31st March, 2000;

(b) if so,the progress made in this regard; and

(c) if not, the reasons for the delay?

THE MINISTER OF STATE IN THE MINISTRY OF SURFACE TRANSPORT (DR. DEBENDRA PRADHAN); (a) During dis cussions in January, 2000, the federation leaders were assured that the matter would be taken up with full sympathy and strength at the appropriate level; and efforts would be made to get the issue resolved before 31st March, 2000.

(b) The matter is under consideration of the Government.

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†The question was actually asked on the floor of the House by Shri Jibon Roy.

(c) Does not arise.

SHRI JIBON ROY: Sir, you know that in the third week of January this year, the Port and Dock Workers' strike has shook the entire country. The Government, in their wisdom, did not initiate any discussion. They did not allow the Port and Dock Workers' Department to initiate a discussion till they realised that the strike cannot be controlled. They have done everything possible to stop the strike, including deployment of the Army. However, a Memorandum of Understanding was signed on 22nd January. In that Memorandum of Understanding, two basic assurances were given. The first assurance was that so far as the question of issues in the strike was concerned, the same will be discussed and settled by 28th February, 2000. So far as the other issue concerning the duration of the agreement period is concerned, here also, the Minister sympathised with the strikers and supported their demand that the duration period should not be expanded from five years to ten years. Here, the assurance was that a settlement will be done by 31st March, 2000. The matter will be settled by 28th February, 2000. So far as the duration period is concerned, it will be settled by 31st March, 2000. So far as part (a) of the question is concerned, the Minister has said: Yes, there was an assurance that an attempt will be made to settle the issue of duration period by 31 st March, 2000.1 would like to know as to what the status of the situation about the settlement of the issues is. You have stated in your answer that it would be settled by 28th February. So far as the second assurance is concerned, here you have said. The matter is under consideration of the Government. You have to state as to what the status of the negotiation is. What is the status of the assurance? I would like to know from the hon. Minister whether he will assure that all the cases will be settled by 31st March, 2000.

DR. DEBENDRA PRADHAN: In the discussion that has taken place, the issues of wages and the house rent allowance were discussed. *(Interruptions)*

SHRI JIBON ROY: Mr. Minister, are you prepared for the answer?

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DR. DEBENDRA PRADHAN: The issue relating to the period of settlement in respect of port and dock workers' would be considered after the report in respect of the recommendations of a Group of Ministers has been submitted.

SHRI JIBON ROY: The issue of the house rent allowance has already been settled. That Memorandum of Understanding is there. But so far as other issues are concerned, there is an assurance that other issues which are not settled will be discussed and settled by 28th February, 2000. The point to which the hon.

Minister has just referred has already been cleared. This is over. what is the status of other issues? The other issues will have to be discussed and settled by 28th February. You have to answer that question. My second question is this. So far as the duration period is concerned, you have agreed to solve the issues by 31st March, 20(X). You have agreed to that, and you have also assured the leaders that everything would be settled by 31st March, 2C00. You have not answered my question.

DR. DEBENDRA PRADHAN: Regarding the issues raised by five Federations, he has said that they will be discussed and settled by 28th February, 2000 at the BWNC level. So, it is going on.

SHRI JIBON ROY: Whether the settlement is done.

DR. DEBENDRA PRADHAN: The discussion is going on.

SHRI JIBON ROY: You have said, It is under consideration of the Government!

DR. DEBENDRA PRADHAN: The discussion is going on. Regarding solving the issue of wage structure by the 31st March, it has been referred to the Group of Minister and after getting their recommendation, proper action will be taken by the Minister. He has also assured that. Regarding the demand for a five-year settlement and applying the HRA retrospectively, from 1.1.98, the hon. Minister appreciated the concern of the Federations and assured them that he would take up this matter with full sympathy and strength at the appropriate level and he would make all efforts to get the issues resolved. ...*(Interruptions)*...

SHRI JIBON ROY: It is already implemented. It is the agreement.

DR. DEBENDRA PRADHAN: That is there. ...*(Interruptions)*... That is there.

SHRI JIBON ROY: Have you come prepared with the files?

DR. DEBENDRA PRADHAN: I am quoting it from the report of the ...*(Interruptions)*...

SHRI VAYALAR RAVI: Sir, There is no discussion ...*(Interruptions)*...

DR. DEBENDRA PRADHAN: It is already mentioned in the agreeemnt.

SHRI JIBON ROY: Sir, I request you to permit a Half-an-Hour Discussion on this. He has not come prepared. He does not know what is happening. ...*(Interruptions)*...

DR. DEBENDRA PRADHAN: What is this? ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: Sir, what is this? He goes on making sweeping remarks! ...*(Interruptions)*...

SHRI JIBON ROY: Sir, the thing is, he is giving answers on the issues that are separate. He is not giving answers on the issues on which the assurances were given. One assurance given was that all other issues would be settled by 28th February, 2000.

DR. DEBENDRA PRADHAN: That is already written in the agreement. That is what I am telling you. What is written in the agreement, I am quoting only that ...*(Interruptions)*...

SHRI JIBON ROY: I have the agreement with me. I know that; I am with the workers. I know that all these are issues that are to be settled. The assurance given was all other issues will be settled by 28th February, 2000. What is the status of the settlement? The centre of attention is the duration of the agreement period. ...*(Interruptions)*...

DR. DEBENDRA PRADHAN: It is under consideration. The discussion is going on in the BWNC ...*(interruptions)*...

SHRI M. VENKAIAH NAIDU: What is your second supplementary?

SHRI JIBON ROY: No, no: he has not answered even the first one. Sir, he has not given the answer to the first part of my question.

Sir, in the agreement, it is mentioned. In the agreement, the hon. Minister has assured that the duration of the settlement period would be five years, but. Sir, originally, they had proposed ten years. That assurance was given, and it was told that the settlement would be done by 31st March, 2000. Then they had constituted a committee comprising a group of Ministers, under the chairmanship of the Deputy Chairman of the Planning Commissions, Shri K.C. Pant, and it was reported to the appropriate machinery, the Standing Committee on Labour. And there also, they had assured that the Committee would finalise the recommendations by 31st March, 2000. So far as I know, not a single meeting of the Committee has taken place. Sir, when the original strike was called, one month's notice was given. They had not called any meeting. They had not allowed the leaders of the dock workers to initiate a discussion. Now, they have assured that all other issues will be settled by 31st March, 2000. First they said that the agreement would be signed by 28th February, 2000. Now, we have come to know that nothing has been done; everything is under

consideration! Would the Minister agree to it that the workers should again go on strike and then only he will start negotiations? All that you assured was that everything would be settled by 31st March, 2000, as had been agreed to with the Union of the dock workers. ...*(Interruptions)*...

DR. DEBENDRA PRADHAN: There was no assurance regarding the period of settlement being five years. The only assurance that was given was it would be considered sympathetically.

SHRI JIBON ROY: The first assurance was regarding the demand for a five-year settlement and applying the new HR A retrospectively, from 1.1.98. The hon. Minister appreciated the concern of the Federations and assured that he would take up this matter with full sympathy and strength at the appropriate level and he would make all efforts to get the issues resolved before 31 March, 2000. It was said that the issues raised in this strike notice will be discussed and settled by the 28th of March, 2000 at the BWNC level. Now, you are going back.

DR. DEBENDRA PRADHAN: We will consider these things. ...*(Interruptions)*...

SHRI JIBON ROY: You prepare the notes for this. First you told them to go on strike; now don't come here and say that the workers' federation did not give any such notice and that the federation did not inform.

DR. DEBENDRA PRADHAN: I am again telling you that this will be considered sympathetically and the matter will be settled at the P & DMC level.

SHRI VAYALAR RAVI: Sir, the Workers' Federation went on strike and I do appreciate the initiative taken by the Minister. It looked as if the matter would be settled because the federations were also very considerate. That is why this amendment has been sent. Now, Sir, today, two things have happened. Sir, it was said that even if the workers participate in the strike, they will not be victimised. Sir, the Government has given a direction to all the Port Managements to go to the High Courts and file a case against the strike and try to get an order from the court saying that the strike is illegal. Sir, this can lead to victimisation. I think this is the first time in the history of this country where the Government has given such a direction to the Ports to go to the High Court and get an order declaring the strike as illegal. Okay, you can do it. But, how can the Government live in a fool's paradise? If you think that the strike is illegal, then, why don't you discuss it with the Federation? I would like to know from the hon. Minister

whether the Government has given any direction to the Ports which are going to the High Court. They are trying to get ah order from the High Court to gel the strike declared as illegal. So, will the Government see to it that the cases are withdrawn?

Discussions are going on. Today and tomorrow, discussions are going to be held. This agreement should be implemented to avoid a further confrontation. Has the Government given any such direction to the officers who are participating in the discussions? I know the names of the officers who are participating in the discussions, but I don't want to mention them. Will the Government give a direction to the officers to honour this agreement and honour the assurance of the Minister and settle the matter on or before 31 si March, 2000? Even the Federation leaders are very considerate on this issue. Please give an answer on this point.

DR. DEBENDRA PRADHAN: We will take all necessary steps. But as far as the Agreement is concerned, I can say that no worker will be victimised. ...*(Interruptions)*...

SHRI VAYALAR RAVI: Sir, please ...*(Interruptions)*... I had put a specific question. Why has the Government not given any direction? Why are the Port Managements in the different States going to the High Court?

SHRI M. VENKAIAH NAIDU: He says, "court is managing the things." ...*(Interruptions)*...

SHRI VAYALAR RAVI: I am saying port management, I am not saying court management. ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: We thought it is court management. ...*(Interruptions)*...

SHRI VAYALAR RAVI: No; no. It is Port Management.

MR. CHAIRMAN: Yes, it is Port Management. ...*(Interruptions)*...

SHRI VAYALAR RAVI: The Port Management went to the Court for the first time to get the strike declared as illegal. My question is: How can the Government of India give a direction to the Port Management to go *Co* the Court and file a case, and seek an order to get the strike declared as illegal? I would like to know from the Minister about the direction given by the Government. If the Government has not given any direction, then, will you ask

the Port Management in the country to withdraw the cases?

DR. DEBENDRA PRADHAN: We will look into the matter and consider the cases. ...*(Interruptions)*...

SHRI VAYALAR RAVI: Sir, what is this ...*{Interruptions)*...

SHRI T.N. CHATURVEDI: The Minister will look into the specific case and take appropriate action.

SHRI GURUDAS DAS GUPTA: Sir, the issue that has been raised is too serious for a cryptic reply. That Minister is within his right to give a cryptic reply, but the issue involved is of a very important nature, having wider ramifications on the trade union movement of the country. Sir, the basic point is that there was a strike and there was a negotiation. Now, the question is that the negotiated settlement, which was arrived at, is sought to be violated. We have such examples in private industry. In private industry there are occasions when the managements do not honour the commitments that have been made. But here we have the case of a public sector. The Government is the owner. Now, alter the settlement, the Government willy-nilly takes a step which may result in violation of the agreement, It will have wider ramifications on the trade union movement and on the worker-employer relationship in the country. This . should be viewed in the context that the Government is seeking judicial intervention to get its motive implemented, to get its objective implemented. This is an abuse of the judicial system which we have in the country. Therefore, will the hon. Minister take into consideration the wider ramifications of the reported move of the Government? Taking that into consideration, will the Government assure the House that nothing will be done to jeopardise the agreement as also nothing will be *done* to create a situation where industrial relations worsen? Sir, I put this question with the humble intention of getting a reply from the Government because the country is going through a recession. In a recessionary situation, if the industrial situation and the worker-employer relations worsen, it may further aggravate the industrial scene, and further aggravating the industrial scene in the port may lead to a decline in exports which has already got a negative impact on the economy. Having this broader consideration in view, let the Government submit, without giving a cryptic reply, before the House what is intention is because a cryptic reply may give rise to further suspicion.

DR. DEBENDRA PRADHAN: Sir, there is no question of any cryptic reply. Regarding ;all these matters, the discussion is going on. The discussion on

wage settlement between the management and the Bipartite Wage Negotiation Committee is going on. For the purpose of this agreement, the Government doesn't come into the picture. On -the issue of period of settlement, the Government is considering it through the Group of Ministers who will look into the matter. Regarding the agreememt, I again assure the House that the Government will abide by it. *(Interruptions)...*

SHRI GURUDAS DAS GUPTA: I would like to know whether the court is moved. *(Interruptions)...I* specifically asked whether the court has been moved. *(Interruptions).,.*

SHRI SANGH PRIYA GAUTAM: He has already replied. *(Interruptions)...*

SHRI GURUDAS DAS GUPTA: No, no. Nocomments. I put a specific question whether the court has been moved. ...*(interruptions)...* Your trade union is also involved. I seek from the hon. Minister a clearcut answer whether the Government is seeking the intervention of the courts, including High Courts. *(Interruptions)...* I would like to know whether the Government is advising the port authorities or whether the Government by itself is taking advantage of going to the courts. *(In terruptions)...*

DR. DEBENDRA PRADHAN: The Government has no role in this *(Interruptions)...*

SHRI GURUDAS DAS GUPTA: Have you advised the port authorities? The port authorities are under you. *(Interruptions)...*They are under the Government. *(Interruptions).,* The port authorities are under the Government. They are not in the private sector. Have you advised them? *(Interruptions)...*

SHRI SANGH PRIYA GAUTAM: He has replied. *(Interruptions)...*

SHRI GURUDAS DAS GUPTA: Let the Minister say. *(Interruptions)...*

DR. DEBENDRA PRADHAN: I replied to the issue. The issue is under consideration. *(Interruptions)...*

SHRI GURUDAS DAS GUPTA: Have you advised the port authorities to go to the courts? *(Interruptions)...* The silence of the Minister only implies that the Government is entering into a serious confrontation with the workers of the country. *(Interruptions)...We* shall not take it lying down. *(Interrutptions)...We* shall never take it lying down. *(Interruptions)...*

SHRI JIBON ROY: Sir, let us have a Half-an-Hour Discussion on this. *(Interruptions)...* We will have an opportunity to talk with them and it will help

the settlement. *(Interruptions)*...

MR. CHAIRMAN: You give notice. Shri Dave.

श्री अनन्तराय देवशंकर दवे : माननीय सभापति जी, मैं जिस विस्तार से आ रहा हूं वहां कांधला पोर्ट में स्ट्राइक हुई और उसका सवाल भी यहां खड़ा हुआ, तो मैं माननीय मंत्री जी ये जानना चाहता हूं कि इस स्ट्राइक के दौरान, जो हमारे विस्तार में पिछड़ा और बॉडर डिस्ट्रिक्ट हैं वहां एक ही मेजर पोर्ट हैं और बहुत गरीब लोग वहां पोर्ट पर काम कर रहे हैं, जो कि ट्रेड यूनियंज के मैबंर्स नहीं हैं, वहां से उनको मजदूरी मिल रही हैं, तो जितने दिन यह पोर्ट बंद रही और सारे 10 मेजर पोर्टर्स में से सरकार को कितना नुकसान हुआ और कांधला पोर्ट में से सरकार को कितना नुकसान हुआ, यह माननीय मंत्री जी बताएं?

डा. देवेन्द्र प्रधान : महोदय, कांधला पोर्ट का जो टॉर्गेट था वह 3612 हजार मीट्रिक टन था और एचीवमंट 2845 मिलियन मीट्रिक टन हुआ। The port management had already said that strike was illegal and they will look into the matter.

श्री अनन्तराय देवशंकर दवे : सभापति महोदय, मैंने यह पूछा था कि स्ट्राइक पीरियड के दौरान सरकार को कितना नुकसान हुआ, क्योंकि उस दौरान काम-काज बंद रहा, तो सरकार को कितने रूपये का नुकसान हुआ?

डा. देवेन्द्र प्रधान : महोदय, मेरे पास जो रिपोर्ट हैं वह यह हैं कि कितने टन लॉस हुआ, तो टॉरगेट था 22,736 हजार टन, पर हुआ हैं 21,116 हजार टन, तो इस हिसाब से लॉस ज्यादा नहीं हैं। बाकी हम बाद में बता देंगे।

Linesman in Phoney Business

*262 DR. GOPALRAO VITHALRAO PATIL: Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether Government's attention has been drawn to the news item captioned Linesman in "phoney' business published in the Indian Express dated the 4th December, 1999, regarding cheap calls abroad with the help of MTNL linesman; and

(b) if so, what steps are being proposed to avoid such racket?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI TAPAN SIKDAR): (a) and (b) A statement is laid on the Table of the House.